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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,219	06/26/2003	Shigekazu Morikawa	030770	3714

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EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,219	Applicant(s) MORIKAWA, SHIGEKAZU	
	Examiner Heather R. Jones	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 20, 2007 have been fully considered but they are not persuasive.

The Applicant argues on page 5, line 9 – page 6, line 3 that Walsh et al. fails to disclose controlling a decoding amount with a controller based on a fetching period of the still image in the fetcher. The Examiner respectfully disagrees. Walsh et al. discloses in col. 4, lines 18-31 fetching the moving image in real time. Furthermore, Walsh et al. discloses in Fig. 11 and col. 9, lines 19-37 a controller (1102) that controls the selection and adjustment of encoding parameters used by the encoder (1104) based on the decode times fed back to the controller (1102) in order to ensure that decoding of the encoded frame is appropriate based on the capabilities of the known decoding system. By controlling the encoding parameters to maximize the capabilities of the decoding system the controller is indirectly controlling the decoding amount by the decoder. Furthermore, the claim language is broad enough to be interpreted as the controller indirectly controlling the decoding amount of the decoder as long as the controller is changing the encoding parameters in order to maximize the decoder. The decoding time is designed to allow the video to display seamlessly as it is being fetched. Therefore, Walsh et al. meets the claim limitations and the rejection is maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al. (U.S. Patent 5,952,943).

Regarding claim 1, Walsh et al. discloses a moving image reproducing apparatus that reproduces a plurality of encoded image signals generated by encoding, for each frequency component, a still image signals of respective screens forming a moving image signal, comprising: a decoder for decoding, in the order of a lower frequency, a plurality of the encoded image signals corresponding to one screen (Figs. 8 and 9); a multiplexer (910) for multiplexing with each other a plurality of the decoded image signals decoded by the decoder so as to generate one screen of a decoded still image signal; and a controller (1102) for controlling a decoding amount by the decoder (col. 4, lines 32-54).and a fetcher (210) for fetching the moving image signal in a real time (col. 4, lines 18-31), wherein the controller controls the decoding amount based on a fetching period of the still image signal forming the moving image signal (Fig. 11; col. 4, lines 32-54; col. 10, lines 58-66).

Regarding claim 3, Walsh et al. discloses all the limitations as previously discussed with respect to claim 1 including the controller limits the decoding

amount at a time that the fetching period does not satisfy a predetermined condition (Fig. 10 – steps 1010 and 1014).

Regarding claim 5, Walsh et al. discloses a moving image reproducing apparatus, comprising: a fetcher (210) for fetching a plurality of still images each of which has a plurality of encoded image components generated by encoding for each frequency component (col. 5, lines 30-32; col. 5, line 60 – col. 6, line 21); a decoder for decoding, in order of a lower frequency, the plurality of encoded image components corresponding to a single still image fetched by the fetcher (col. 4, lines 32-54; col. 7, line 62 – col. 8, line 59); a multiplexer (910) for multiplexing with each other a plurality of decoded image components decoded by the decoder so as to generate a single decoded still image (col. 4, lines 32-54; col. 8, lines 40-59); a reproducer (204) for reproducing a moving image based on the decoded still image generated by the multiplexer; and a controller (1102) for controlling a decoding amount of the decoder based on the fetching period of the still image by the fetcher (col. 4, lines 32-54).

Regarding claim 6, Walsh et al. discloses all the limitations as previously discussed with respect to claim 5 including that the controller includes a limiter for limiting the decoding amount at a time that the fetching period fails to satisfy a predetermined condition (Fig. 10 – steps 1010 and 1014).

Regarding claims 8 and 9, this is a method claim corresponding to the apparatus claims 5 and 6. Therefore, claims 8 and 9 is analyzed and rejected as previously discussed with respect to claims 5 and 6.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. as applied to claims 1-3, 5, and 6 above, and further in view of Vetro et al. (U.S. Patent 6,519,288).

Regarding claim 4, Walsh et al. discloses all the limitations as previously discussed with respect to claims 1-3, but fails to disclose that the controller cancels a limitation of the decoding amount when a specific mode is manually selected.

Referring to the Vetro et al. reference, Vetro et al. discloses a decoder wherein the controller cancels a limitation of the decoding amount when a specific mode is manually selected (col. 8, lines 65-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the controller cancel a limitation of the decoding amount when a specific mode is manually selected by the user as disclosed by Vetro et al. combined with the reproducing apparatus disclosed by Walsh et al. in order to allow the user more control over the quality of the image they are viewing.

Regarding claim 7, Walsh et al. discloses all the limitations as previously discussed with respect to claims 1-3, but fails to disclose a canceller for canceling a limiting operation of the limiter when a specific mode is manually selected.

Referring to the Vetro et al. reference, Vetro et al. discloses a decoder wherein the controller cancels a limitation of the decoding amount when a specific mode is manually selected (col. 8, lines 65-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the controller cancel a limitation of the decoding amount when a specific mode is manually selected by the user as disclosed by Vetro et al. combined with the reproducing apparatus disclosed by Walsh et al. in order to allow the user more control over the quality of the image they are viewing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
January 6, 2008



JOHN MILLER
SUPERVISORY PATENT EXAMINER
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